

AUG 04 2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Before the Board of Patent Appeals and Interferences**

In re Patent Application of

NIGHTINGALE

Atty. Ref.: JRL-550-510

Serial No. 10/764,495

TC/A.U.: 2128

Filed: January 27, 2004

Examiner: Alhija, Saif A.

For: APPARATUS AND METHOD FOR PERFORMING HARDWARE AND  
SOFTWARE CO-VERIFICATION TESTING

\* \* \* \* \*

August 4, 2011

Attn: Board of Patent Appeals and Interferences  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re Appeal No. 2009-002116

Sir:

**REQUEST TO RESCHEDULE ORAL HEARING**

In response to the Notice of Hearing mailed August 1, 2011, Appellant's undersigned representative respectfully requests that the Oral Hearing in Appeal No. 2009-002116 scheduled for Thursday, September 8, 2011, be rescheduled.

Upon receipt of the "Notice of Hearing," Appellant's undersigned representative checked his calendar and the undersigned will be away on previously scheduled travel on September 8, 2011. Confirmation of the travel arrangements for this previously-scheduled trip was received prior to the mailing of the Notice of Hearing.

Pursuant to the Clerk's instructions, Appellant encloses herewith the Notice of Hearing form signed and dated, but without checking "hearing attendance confirmed" or "hearing attendance waived" since Appellant intends to attend the Oral Hearing when it is appropriately rescheduled. In the event that a telephone discussion with the Clerk will facilitate the PTO's

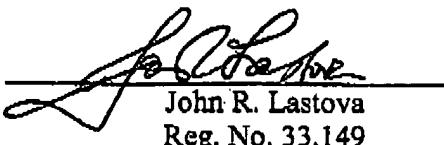
NIGHTINGALE  
Serial No. 10/764,495

rescheduling of the hearing, the Clerk is respectfully requested to contact Appellant's undersigned representative.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



John R. Lastova  
Reg. No. 33,149

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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

Appeal No: 2009-002116  
Appellant: Andrew Mark Nightingale  
Application No: 10/764,495  
Hearing Room: A  
Hearing Docket: B  
Hearing Date: Thursday, September 08, 2011  
Hearing Time: 01:00 PM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

**NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address:

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:  HEARING ATTENDANCE CONFIRMED  HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

August 4, 2011 33,149  
Date Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
<http://www.uspto.gov/web/offices/dcom/acounsel/contact.htm#bpaicontacts>